

BOARD FOR CONTRACTORS COMMITTEE MEETING MINUTES

The Board for Contractors Committee (The Committee) met on Monday, December 3, 2007, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following Committee members were present:

Robert M. Kirby, Chairman
Michael D. Redifer, Vice Chairman
Ann Rackas Pate
Jeffrey Modisett

Committee member Mark Cronin was not present.

The following DPOR staff attended the meeting:

David Ashe, Chief Deputy
Karen O'Neal, Deputy Director
Eric L. Olson, Executive Director
Adrienne Mayo, Regulatory Boards Administrator
Karen Kenney, Administrative Assistant
Trisha Henshaw, Licensing & Education Administrator
Ronnie Morris, Educational Specialist

Chairman Robert Kirby called the meeting to order at 2:05 p.m.

The Meeting Agenda was approved unanimously. Motion made by Mr. Redifer and seconded by Ms. Rackas Pate.

The Minutes from the September 10, 2007, Committee meeting were adopted as drafted by unanimous vote. Motion made by Mr. Redifer, seconded by Ms. Rackas Pate.

There was no Public Comment.

The Committee reviewed and considered for approval a total of twenty-three proposed education provider programs for Tradesman Vocational Training, Continuing Education, and Contractor Prelicense Education. Twenty-two were recommended for approval.

Sandi Morris, on behalf of Department of Housing and Community Development-Jack A. Proctor Virginia Building Code Academy – Continuing Education, appeared at the meeting and addressed the Committee.

After discussion, and a motion by Mr. Redifer, seconded by Ms. Rackas Pate, the Committee unanimously recommended that the Board approve Department of Housing and Community Development-Jack A. Proctor Virginia Building Code Academy continuing education course.

Elton Fahnestock – Continuing Education (Electrical, Mechanical)

After discussion, and a motion by Mr. Redifer, seconded by Ms. Rackas Pate, the Committee unanimously recommended that the Board approve Elton Fahnestock's continuing education course.

Herald Good, Jr. on behalf of Herald & Company –Continuing Education (Plumbing, Mechanical, Electrical, and Fuel/Gas), appeared at the meeting and addressed the Committee.

After discussion, and a motion by Mr. Redifer, seconded by Mr. Modisett, the Committee unanimously recommended that the Board approve Herald & Company's continuing education course.

IAEI, Eastern Virginia Division – Continuing Education (Electrical)

After discussion, and a motion by Mr. Redifer, seconded by Ms. Rackas Pate, the Committee unanimously recommended that the Board approve IAEI, Eastern Virginia Division continuing education course.

Call To Order

Approval of Agenda

Minutes Adopted

Public Comment

Education Provider Applicants:

Department of Housing and Community Development –Jack A. Proctor Virginia Building Code Academy

Elton Fahnestock

Herald & Company

IAEI, Eastern Virginia Division.

Independent Electrical Contractors, Chesapeake Chapter – Continuing Education (Electrical)

Independent Electrical Contractors – Chesapeake Chapter

After discussion, and a motion by **Ms. Rackas Pate**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board approve Independent Electrical Contractors continuing education course.

David Burke, on behalf of Jade Learning – Continuing Education (Electrical, Mechanical) appeared at the meeting and addressed the Committee.

Jade Learning

After discussion, and a motion by **Ms. Rackas Pate**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board approve Jade Learning's continuing education course.

Jeff Rodriguez, on behalf of JCR Productions, Inc. – Continuing Education (Electrical), appeared at the meeting and addressed the Committee.

JCR Productions, Inc.

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve JCR Productions', Inc. continuing education course.

John M. Caloggero, on behalf of John M. Caloggero – Continuing Education (Electrical), appeared at the meeting and addressed the Committee.

John M. Caloggero

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve John M. Caloggero's continuing education course.

Massanutten Technical Center – Continuing Education (Electrical)

Massanutten Technical Center

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve Massanutten Technical Center's continuing education course.

Mike Holt Enterprises, Inc. – Continuing Education (Electrical)

Mike Holt Enterprises, Inc.

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve Mike Holt Enterprises' continuing education course provided that both Code classes submitted are completed (Two 8-hour classes were submitted, each covering different parts of the code). The Committee's recommendation, if adopted by the Board, would grant a total of 3 credit hours if both courses are completed. No credit will be granted for completion of only one course.

National Technology Transfer, Inc. – Continuing Education (Electrical)

National Technology

After discussion, and a motion by **Mr. Redifer**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board approve National Technology Transfer, Inc. continuing education course. HVAC and PLB classes are not recommended for approval as they are not Code updated courses.

Transfer, Inc.

NC Association of Electrical Contractors – Continuing Education (Electrical)

**NC Association of
Electrical Contractors**

After discussion, and a motion by **Mr. Redifer**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board do not approve NC Association of Electrical Contractors continuing education course. The course does not cover the current edition of the Code. Course submitted was for the 2008 Electrical Code.

Howear Hienkle, on behalf of Professional Code Training/Harold Hienkle – Continuing Education (Fuel/Gas), appeared at the meeting and addressed the Committee.

**Professional Code
Training/Harold
Hienkle**

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve Professional Code Training/Howard Hienkle's continuing education course.

Chris Anderson, on behalf of Qualified Gas Contractors Association, Inc. – Continuing Education (Fuel/Gas), appeared at the meeting and addressed the Committee.

**Qualified Gas
Contractors
Association, Inc.**

After discussion, and a motion by **Mr. Modisett**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve Qualified Gas Contractors Association's, Inc. continuing education course.

Gary Goff and Butch Bess, on behalf of Richmond Electricians JATC – Continuing Education (Electrical), appeared at the meeting and addressed the Committee.

**Richmond Electricians
JATC**

After discussion, and a motion by **Mr. Redifer**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board approve Richmond Electricians JATC's continuing education course.

Town of Wytheville/Stam K. Massie – Continuing Education (Plumbing, Electrical, Mechanical, Fuel/Gas)

**Town of
Wytheville/Stam K.
Massie**

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve Town of Wytheville/Stam K. Massie's continuing education course.

Chris Baker, on behalf of Virginia Air Distributors – Continuing Education (Mechanical, Fuel/Gas), appeared at the meeting and addressed the Committee.

**Virginia Air
Distributors**

After discussion, and a motion by **Mr. Modisett**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve Virginia Air Distributors' continuing education course.

Haywood Kines, on behalf of Virginia Chapter of the International Association of Electrical Inspectors – Continuing education (Electrical), appeared at the meeting and addressed the Committee.

**Virginia Chapter of the
International
Association of
Electrical Inspectors**

After discussion, and a motion by **Mr. Redifer**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board approve Virginia Chapter of the International Association of Electrical Inspectors' continuing education course.

Mindy Fast, on behalf of Virginia Community College System – Continuing Education (Plumbing, Electrical, Mechanical, Fuel/Gas), appeared at the meeting and addressed the Committee.

**Virginia Community
College System**

After discussion, and a motion by **Ms. Rackas Pate**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board approve Virginia Community College System's continuing education course.

Committee member, **Mr. Redifer**, did not participate in the discussion and did not vote.

Dennis Cruise and Joe Pennesi, on behalf of Virginia Propane Gas Association – Continuing education (Fuel/Gas), appeared at the meeting and addressed the Committee.

**Virginia Propane Gas
Association**

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve Virginia Propane Gas Association's continuing education course.

George Sherman and Mark Smith, on behalf of Central Virginia Community College – Vocational training (Backflow Prevention Device Worker Certification), appeared at the meeting and addressed the Committee.

**Central Virginia
Community College**

After discussion, and a motion by **Mr. Redifer**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board approve Central Virginia Community College's vocational training course.

M. Renee Harcum Blue Ridge Contractor Education – Contractor Prelicense

**M. Renee Harcum,
Blue Ridge Contractor
Education**

After discussion, and a motion by **Mr. Modisett**, seconded by **Mr. Redifer**, the Committee unanimously recommended that the Board approve M. Renee Harcum Blue Ridge Contractor Education prelicense course.

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Harold Kelly and Boyd Cook, on behalf of Associated Builders and Contractors – Virginia Chapter – Continuing Education, appeared at the meeting and addressed the Committee.

Associated Builders and Contractors – Virginia Chapter

After discussion, and a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the Committee unanimously recommended that the Board approve Associated Builders and Contractors – Virginia Chapter continuing education course.

Committee members, **Ms. Rackas Pate** and **Mr. Modisett**, did not participate in the discussion and did not vote.

At the September Board meeting, the following education providers were granted provisional approval contingent upon submittal of additional information. All providers who were granted provisional approval submitted the additional information requested.

Provisional Approvals from September Board for Contractors Meeting

After discussion, and a motion by **Mr. Redifer** seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the “provisional” approval be removed and final approval be granted for the following applications:

Provider Name	Course Type	Subject Area(s)	Additional Information Submitted
Allen Turner	CE	ELE	Instructor Resumes
American Contractors Exam Services, Inc	Contractors	Prelcense	Online security demonstration
Broadway Electric, Inc	CE	ELE	Instructor Resumes
Fairfax County Public Schools, Adult & Community Ed	CE	ELE, HVA, PLB, GFC	Instructor Resumes
Independent Electrical Contractors	CE	ELE	Instructor Resumes
Tidewater Electrical Industry Joint Apprenticeship and Training Committee	CE and Vocational	ELE	Instructor Resumes
Trumbo Electric	CE	ELE	Instructor Resumes
VAPHCC dba PMPV	CE	PLB, HVA, GFC	Instructor Resumes
Virginia Propane Gas Association	Vocational	Journeyman LP	Instructor Resumes

In addition, Independent Electrical Contractors was granted approval of two Electrical Code update courses at the September 11, 2007, Board meeting.

Subsequently, Independent Electrical Contractors submitted a request for retroactive approval of the two electrical code update courses that were approved.

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve the request for retroactive approval be granted for both courses to July 1, 2007.

In addition, the Virginia Propane Gas Association was granted approval of its vocational education course curriculum for liquid petroleum gas fitters at the September meeting. Also at that meeting, the Board granted retroactive approval of two years for this program. Subsequently, the VPGA requested that retroactive approval of five years be granted for the initial courses in this program as it has been approximately four years since the individuals who are completing the program took the initial courses.

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve the request for retroactive approval of five years be granted.

Daryl Burkholder of DBET Updates, who was approved as a continuing education provider at the September meeting, submitted a letter commending the value of the continuing education requirement.

**Other Education-
Related items**

The Board approved all education providers. A list of approved continuing education providers is published to the web and/or distributed as requested. The lists as currently published include the name, address, phone number, email, and web address (as applicable) of each of the providers. Board staff recently received a request that this information not be displayed on the list for those providers who do not wish to offer on-going courses to the public (i.e., membership or employees only, or courses only offered once or twice a year).

After discussion, and a motion by **Mr. Redifer**, seconded by **Mr. Modisett**, the Committee unanimously recommended that the Board adopt a policy to provide the option of having the list display all information or to only display the name of the provider if requested.

The Committee reviewed all the viewpoints presented by Gayl Fowler of SAIF Water Wells, Inc. concerning the maintenance, and the repair of shallow water wells. The Committee, while empathic to Ms. Fowler's concerns understands that plumbers are bound to perform plumbing work in accordance with the Virginia Uniform Statewide Building Code. The Committee further advises that the law is explicit in identifying that drilling, installation, maintenance, or repair to water wells or water well systems are to be performed by a certified water well systems provider.

**Maintenance and
Repairs of Shallow
Water Wells**

Director of Adjudication Douglas Schroder requested Committee approval to

Change of Business

consider recommending the Board amend *18 VAC 50-22-210* due to problems encountered with licensees who possess multiple active licenses as a result of changing their business entity. Secondly, Mr. Schroder requested the Committee and Board amend *18 VAC 50-22-10* to address problems encountered with physical addresses of licensees. Mr. Schroder further requested the Committee and Board amend *18 VAC 50-22-230* to address the accountability of a licensee to accept Board notification and correspondence sent by certified mail delivery. After discussion the Committee agreed to consider these items during its next Regulatory Review period.

After a short discussion, the Committee affirmed the Board's current policy which requires that Landscape Contractors cannot perform trade-related work. The Committee further affirmed that a Landscape Contractor can enter into a contract to construct decorative water fountains with a provision indicating that the trade-related work must be performed by a licensed tradesman or by a licensed contractor with the required trade classification. The Committee agreed that a Landscape Contractor can construct and install stairs. However, if the stairs are a means of egress then the current code requirements must be met.

18 VAC50-22-260 B 9 of the Board for Contractors Regulations covers the list of the elements that must be included in all residential contracts. The Committee recommended that a contract for maintenance and repairs should be required when the total of the repairs exceed \$1000.00. After discussion the Committee agreed to consider these items during its next Regulatory Review period.

The Committee after discussion affirmed the Board's current policy which requires a licensed HVAC tradesman or a licensed contractor with the HVAC trade classification must install or replace a flue or chimney liner whenever the work compromises the integrity of the structure.

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve that from the initiation of construction until the issue of the final certificate of occupancy, a license contractor is required. Once the final certificate of occupancy is issued the matter becomes a Real Estate transaction.

Washington Suburban Sanitary Commission Licensing Administrator Beverly Houser contacted the Board for Contractors Administrator, Adrienne Mayo and expressed WSSC's interest in revisiting entering into an examination reciprocity agreement for gas fitting and plumbers.

After discussion, and a motion by **Mr. Redifer**, seconded by **Ms. Rackas Pate**, the Committee unanimously recommended that the Board approve examination reciprocity for Virginia Journeyman and Master Plumbing and Gas Fitter license applicants who are currently licensed with the Washington Suburban Sanitary

Entity

Landscape Contractors and Decorative Fountain Licensing Requirements

Contract Requirements and Maintenance or Repairs

Licensed Builders for Spec Houses

Washington Suburban Sanitary Commission

Commission (WSSC) and did not obtain the license through any agreement between the WSSC and another state. The proposed agreement will be mailed to the chairman of WSSC to obtain the required signature. The agreement will then be sent to the Virginia Board for Contractors chairman and Director DeBoer for signatures.

There was no old business.

Old Business

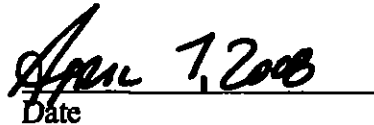
Mr. Kirby addressed the Committee with concerns regarding unlicensed contractors who obtain local business licenses. The Committee determined the Board has no authority to address this issue and that such a complaint would be a matter which is addressed by the Commonwealth Attorney.

New Business

Chairman Kirby entertained a motion to adjourn from Mr. Redifer, seconded by Ms. Rackas Pate and approved unanimously by the Committee. The meeting adjourned at 5:00 p.m.

Adjourn


Robert M. Kirby, Chairman


Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1 Name. Robert Kirby
(Name of Board Member)
- 2 Title: Committee Member
- 3 Agency. Board for Contractors Committee Meeting
(Name of Board)
- 4 Meeting/IFF Date: December 3, 2007
(Date)
- 5 I have a personal interest in the following transaction:
NONE
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.

DEKORON, INC, AGC OF VA, PMFA VA, BUILDERS & CONTRACTORS EXCH.

- ☒ I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- ☐ I did not participate in the transaction.
- 6 ☐ I do not have a personal interest in any transactions taken at this meeting.

Robert Kirby
Signature

12/3/2007
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Michael Redifer
(Name of Board Member)
2. Title. Committee Member
3. Agency: Board for Contractors Committee Meeting
(Name of Board)
4. Meeting/IFF Date. December 3, 2007
(Date)

5. I have a personal interest in the following transaction.

(Agenda Item)

Nature of Personal Interest Affected by Transaction _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

UBCOA, UPMIA, IAET, NFPA, ICC

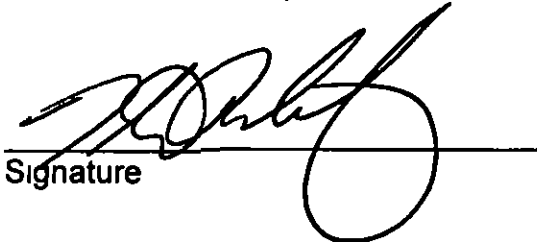
☒ I am able to participate in this transaction fairly, objectively, and in the public interest.

or

☐ I did not participate in the transaction.

- 6 ☐ I do not have a personal interest in any transactions taken at this meeting

Signature



Date

12-3-07

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1 Name Ann Rackas Pate
(Name of Board Member)
- 2 Title Committee Member
- 3 Agency. Board for Contractors Committee Meeting
(Name of Board)
- 4 Meeting/IFF Date: December 3, 2007
(Date)

- 5 I have a personal interest in the following transaction

ABC / VIRGINIA PROVIDOR
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

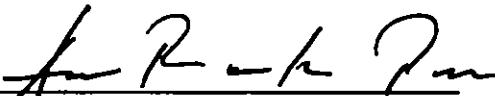
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

☐ I am able to participate in this transaction fairly, objectively, and in the public interest.

or

☒ I did not participate in the transaction.

- 6 ☐ I do not have a personal interest in any transactions taken at this meeting.


Signature

12.3.07
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Jeffrey Modisett
(Name of Board Member)
2. Title: Committee Member
3. Agency: Board for Contractors Committee Meeting
(Name of Board)
4. Meeting/IFF Date: December 3, 2007
(Date)

5. I have a personal interest in the following transaction:

None
(Agenda Item)

Nature of Personal Interest Affected by Transaction: None

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.

Conquest, Monahan & Dunn, Inc. Construction; Associated General Contractors of Va.

☒ I am able to participate in this transaction fairly, objectively, and in the public interest.

or

☐ I did not participate in the transaction

- 6 ☐ I do not have a personal interest in any transactions taken at this meeting.

Jeffrey A. Modisett
Signature

Dec 3, '07
Date